

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN D. KNABB, III, and TRACY L. KNABB,)
Individually and as Parents and Natural)
Guardians of Joanne D. Knabb, a Minor,)
)
Plaintiffs)
)
v.)
INTERNATIONAL BIOMEDICAL, INC., a)
Texas Corporation, t/d/b/a Airborne Life Support)
Systems,)
) Civil Action No. 04-215 Erie
Defendant and Third Party Plaintiff)
)
v.)
STEPHEN G. WOODS, Administrator of the)
Estate of John E. Bridge, Deceased;)
CHILDREN'S HOSPITAL OF PITTSBURGH;)
and GUARDIAN ANGEL AMBULANCE)
SERVICES, INC.,)
)
Third Party Defendants)
) JURY TRIAL DEMANDED

JOINT MOTION FOR MODIFICATION OF CASE MANAGEMENT ORDER

Plaintiffs John D. Knabb, III and Tracy L. Knabb, Individually and as Parents and Natural Guardians of Joanne D. Knabb, a Minor, defendant International Biomedical, Inc., and third party defendants Stephen G. Woods, Administrator of the Estate of John E. Bridge, Deceased, and Children's Hospital of Pittsburgh, respectfully submit the following Joint Motion for Modification of Case Management Order.

1. Plaintiffs John D. Knabb, III and Tracy L. Knabb, individually and as parents and natural guardians of Joanne D. Knabb, a minor, commenced this action on July 26, 2004 against defendant International Biomedical, Inc. and, on September 2, 2004 defendant filed an Answer to Complaint.

2. The Court issued a Preliminary Scheduling Order on September 2, 2004 and, on September 20, 2004, plaintiffs and defendant filed their Joint Report of Rule 26(f) Meeting.

3. On October 6, 2004 a case management conference was held before the Court, and on October 20, 2004 a Case Management Order was issued, closing discovery on February 6, 2005 and requiring that pretrial statements be filed on or before April 7, 2005 (plaintiffs) and April 27, 2005 (defendant), with dispositive motions and responses due on or before February 16, 2005 and March 18, 2005, respectively.

4. The parties served their initial disclosures on September 20, 2004 (plaintiffs) and October 15, 2004 (defendant) and, on November 9, 2004, plaintiffs served interrogatories and document requests on defendant that were answered on February 18, 2005.

5. On October 14, 2004 the Court granted defendant's Motion for Leave to File Third Party Complaint and Serve Third Party Complaint and Summons and, on October 18, 2004, defendant filed a Third Party Complaint against all three third party defendants. That complaint and the summonses were served on the third party defendants on October 19, 2004 (defendant Woods), October 21, 2004 (defendant Children's Hospital of Pittsburgh) and October 29, 2004 (defendant Guardian Angel Ambulance Services, Inc.).

6. Answers were filed to the Third Party Complaint on December 20, 2004 (Woods) and February 1, 2005 (Children's Hospital of Pittsburgh) and February 26, 2005 (Guardian Angel).

7. On February 8, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on February 7, 2005, extending discovery to June 6, 2005 and requiring the filing of plaintiffs' pretrial statement by August 5, 2005, defendant's pretrial statement by August 26, 2005 and third party defendants' pretrial statements by September 16, 2005. Dispositive motions were to be filed by June 27, 2005, with responses by July 27, 2005.

8. On May 26, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on May 24, 2005, extending discovery to October 4, 2005 and requiring the filing of plaintiffs' pretrial statement by December 3, 2005, defendant's pretrial statement by December 24, 2005 and third party defendants' pretrial statements by January 4, 2006. Dispositive motions were to be filed by October 25, 2005, with responses to be filed by November 24, 2005.

9. On September 16, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on May 26, 2005, extending discovery to December 4, 2005 and requiring the filing of plaintiffs' pretrial statement by December 24, 2005, defendant's pretrial statement by January 13, 2006 and third party defendants' pretrial statements by February 2, 2006. Dispositive motions were to be filed by December 4, 2005, with responses to be filed by January 13, 2006.

9. On November 10, 2005 the depositions of three representatives of defendants International Biomedical, Inc. were taken in Austin, Texas and on November 11, 2005 the depositions of plaintiffs John D. Knabb, III and Tracy L. Knabb were taken in Houston, Texas.

10. On December 2, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on December 1, 2005, extending discovery to January 1, 2006 and requiring the filing of plaintiffs' pretrial statement by January 21, 2006, defendant's pretrial statement by February 10, 2006 and third party defendants' pretrial statements by March 6, 2006. Dispositive motions are to be filed by January 21, 2006, with responses to be filed by February 10, 2006.

11. On December 15, 2005 the depositions of seven witnesses were taken in Pittsburgh, Pennsylvania of one of the Pennsylvania State Troopers who investigated the motor vehicle accident in question, one of plaintiff's liability experts concerning narrow factual issues,

two managerial employees of Guardian Angel Ambulance Services, Inc., the two Guardian Angel emergency medical technicians who were attendants on the ambulance involved in the motor vehicle accident and one of the two members of the transport team from Children's Hospital of Pittsburgh who accompanied the infant plaintiff on the ambulance transport from Franklin, Pennsylvania to Pittsburgh, Pennsylvania during which the motor vehicle accident occurred.

12. One of the members of the Children's Hospital of Pittsburgh transport team, Kathleen Plansinis, appeared for her deposition, but was required by her schedule to leave the deposition site before her deposition could be taken. During the seven depositions it was discovered that a number of documents relevant to this action that are in the possession of Children's Hospital of Pittsburgh and Guardian Angel Ambulance Services, Inc. have not been produced to the other parties. Moreover, plaintiffs have learned of an incident involving circumstances generally similar to aspects of the accident in question about which they require information from International Biomedical, Inc.

13. It is not possible to effect the production of the aforementioned documents, to produce the information required by plaintiffs or to reschedule and take the deposition of Kathleen Plansinis on or before January 1, 2006, although it should be possible to accomplish those matters within thirty days of January 1, 2006.

14. The only party who has not joined in this motion is Stephen G. Woods, Administrator of the Estate of John E. Bridge, Deceased. Attempts have been made to ascertain the position of that party with respect to this motion, but attempts to reach his counsel have been unsuccessful.

WHEREFORE, plaintiffs John D. Knabb, III and Tracy L. Knabb, individually and as parents and natural guardians of Joanne D. Knabb, a minor, defendant and third party plaintiff

International Biomedical, Inc., and third party defendants Stephen G. Woods, administrator of the estate of John E. Bridge, Deceased, and Children's Hospital of Pittsburgh respectfully request that the Court modify the Amended Case Management Order of December 2, 2005, extending discovery to February 1, 2006 and appropriately modifying the remainder of the Amended Case Management Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of December, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen
James T. Marnen